

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRUCK-RAIL HANDLING INC. and
QUALITY TRANSPORT, INC.,

Plaintiffs,

v.

BURLINGTON NORTHERN AND SANTA
FE RAILWAY COMPANY,

Defendant.

No. C 02-02825 JSW

**ORDER GRANTING
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL THE EXHIBIT
TO THE DECLARATION OF
CATHERINE BARRON**

This matter comes before the Court upon consideration of the Burlington Northern and Santa Fe Railway Company's ("BNSF") administrative motion to file under seal the exhibit to the declaration of Catherine Barron. BNSF asserts that the exhibit must be filed under seal because it contains information that was designated confidential pursuant to the terms of the parties' Stipulated Protective Order. That fact alone, however, is not sufficient to warrant filing a document under seal.

Pursuant to Civil Local Rule 79-5(a), "[a] sealing order may issue only upon a request that establishes that the document, or portions thereof, is privileged or protectable as a trade secret or otherwise entitled to protection under the law." Although BNSF's showing does no more than assert the information is confidential and sensitive, it also has represented that the exhibit is derived from an internal database maintained by Plaintiffs. Accordingly, the Court will GRANT the request to file the exhibit under seal.

1 In the future, however, **all parties** are ORDERED to comply with the terms of
2 Local Rule 79-5 and its requirement for moving to file documents under seal.

3 **IT IS SO ORDERED.**

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5 Dated: May 25, 2005

6 /s/ Jeffrey S. White
7 JEFFREY S. WHITE
8 UNITED STATES DISTRICT JUDGE
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